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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/824,350	04/15/2004	Nam Seon Cho	0465-1165PUS1	6334
2292 7590 10/27/2008 BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747				
EXAMINER				
ING, MATTHEW W				
ART UNIT		PAPER NUMBER		
3637				
NOTIFICATION DATE		DELIVERY MODE		
10/27/2008		ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

### Office Action Summary

**Application No.**

10/824,350

**Applicant(s)**

CHO, NAM SEON

**Examiner**

MATTHEW W. ING

**Art Unit**

3637

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 15 October 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,3,4,6-12,15 and 16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3,4,6-12,15 and 16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF-08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
2. Claims 1, 3-4, 6-12, and 15-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over the prior art disclosed by applicant in Figures 1-3 of the instant application (hereinafter APAA), in view of Mitchell (5,542,795).
3. APAA teach(es) the structure substantially as claimed, including a refrigerator door assembly, comprising a sliding door (3) configured to be slid open and closed; a handle (4) provided on a side-top edge surface of the door; and a plurality of handle holders (5) each having an end fixed to the door and another end attached to the handle, wherein the end fixed to the door comprises: a handle holder member (portion of the handle holder extending between numerals "5" and "4" in Fig. 1) extended to the handle.
4. The only difference between APAA and the invention as claimed is that APAA fail(s) to teach a supporting member protruded in a first direction on a lower surface of the handle holder member and receivable within a groove provided in the door, preventing damage from occurring on the handle holder, wherein the supporting member is disposed between the handle and a securing mechanism configured to secure a corresponding handle holder to the side of the door so as to absorb a force applied to the handle in a second direction opposite to the first direction and reinforce a strength of the handle holder when the sliding door is slid open and closed, and wherein the supporting member is integrally formed with the handle holder such that the supporting member and the handle holder are a single unitary piece.

5. Mitchell, however, teaches a supporting member (50) protruded in a first direction on a lower surface of the first structure (36) and receivable within a groove (32) provided on a second structure (22), preventing damage from occurring on the handle holder, wherein the supporting member (50) is disposed between the first structure and a securing mechanism (53) configured to secure said first structure (36) to a side of the second structure (22) so as to absorb a force applied to the handle in a second direction opposite to the first direction and reinforce a strength of the first structure. The examiner points out that whereas it is well known in the art that increasing the thickness of a structure increases its structural rigidity, integrally forming supporting members, as taught by Mitchell, upon the contacting surface between the handle holder and the door of APAA would obviously produce a structure capable of "preventing damage from occurring on the handle holder"; and capable of absorbing "a force applied to the handle in a second direction opposite to the first direction and reinforce a strength of the handle holder when the sliding door is slid open and closed".

6. It would have been obvious to one of ordinary skill in the art to include a supporting member, as taught by Mitchell, upon each of the handle-holders of APAA, between the handle & securing mechanisms thereof, in order to provide a stronger & more secure connection between said handle holders and the door, by preventing providing a mechanism to prevent slippage by said handle holders (col. 5, lines 51-67 of Mitchell); and in order to provide an aid to positioning said handle holders upon said door during manufacturing; and to form said supporting member and handle holder as a single unitary piece, since forming in one piece an article which has formerly been formed in two pieces and put together has been held to involve only routine skill in the art, thereby providing the structure substantially as claimed.

7. Regarding claim 3, whereas Mitchell teaches a supporting member (50) located on a contacting surface between a first (36) & second (22) structure; and whereas emplacing a supporting member between the handle holders & door of APAA would obviously require locating said supporting member on a lower contacting surface of each said handle holder; it can therefore be concluded that modification of the structure of APAA in view of Mitchell would obviously produce a structure wherein the supporting member is located on a contacting surface between the handle holder and the door.

8. Regarding claim 4, whereas Mitchell teaches a supporting member (50) having a width smaller than a width of the first structure (36), it can therefore be concluded that modification of the structure of APAA in view of Mitchell would obviously produce a structure wherein a width of the supporting member is smaller than that of the handle holder.

9. Regarding claim 6, whereas Mitchell teaches a groove (32) for inserting a supporting member (50) being formed on a second structure (22) around a recess (35) for accommodating a securing mechanism (53); and whereas, in the structure of APAA, analogous recesses for accommodating securing mechanisms (6) are located upon the door; it can therefore be concluded that modification of the structure of APAA in view of Mitchell would obviously produce a structure wherein a groove for inserting the supporting member is formed on the door.

10. Regarding claim 7, whereas Mitchell teaches a groove (32) whose depth is the same as a thickness of the supporting member (50), it can therefore be concluded that modification of the structure of APAA in view of Mitchell would obviously produce a structure wherein a depth of the groove is the same as a thickness of the supporting member.

11. Regarding claim 8, APAA teaches a structure wherein the handle holder is fixed to the door by a fixing part (6, 7) penetrating the handle holder.

12. Regarding claim 9, APAA teaches a structure wherein the fixing part (6, 7) is a screw (par. 21 of the instant application).

13. Regarding claim 10, APAA teaches a structure wherein the securing mechanism (6, 7) comprises at least two screws (par. 21 of the instant application) provided to fix the handle holder to the door.

14. Regarding claim 11, whereas Mitchell teaches locating a supporting member at a surrounding region of a hole (46) through which a screw is penetrated, it can therefore be concluded that modification of the structure of APAA in view of Mitchell would obviously produce a structure wherein the supporting member is located at a surrounding region of each of the holes through screws are penetrated.

15. Regarding claim 12, whereas Mitchell teaches supporting member (50) located on a lower surface of a surrounding region of a hole (46) through which a screw (53) is penetrated; and whereas emplacing a supporting member between the handle holders & door of APAA would obviously require locating said supporting member on a lower contacting surface of each said handle holder; it can therefore be concluded that modification of the structure of APAA in view of Mitchell would obviously require including a supporting member around at least one of the screws of APAA. The examiner submits that such a structure could be described as having "a supporting member is located on a lower surface of a surrounding region of a hole through which a screw closer to the handle is penetrated", since even if the supporting member were located around the rear screw (7) of APAA, that portion of the lower surface of the handle holder

thereof would still be "a surrounding region of a hole through which a screw closer to the handle is penetrated". The examiner also points out that whereas mere duplication of the essential working parts of a device has been held to involve only routine skill in the art, it would have been obvious to include supporting members around each of the screws of APAA as modified by Mitchell; which resultant structure would obviously read upon the limitations of this claim. The examiner additionally points out that whereas Mitchell teaches a supporting (50) member located around a screw (53) proximate a front end of a first structure (32), modifying APAA in view of Mitchell would obviously imply including a supporting member at least around the screw closer to the front of the handle holder (and hence closer to the handle). ; and whereas

16. Regarding claim 15, APAA teaches a structure wherein the handle holder (5) is located on each side of the handle (4). See Figure 1.

#### ***Response to Arguments***

17. Applicant's arguments filed 10/15/08 have been fully considered but they are not persuasive.

18. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references.

19. In response to applicant's argument that Mitchell "teaches away" from the proposed combination set forth in the previous Office Action, it is noted that applicant fails to show where Mitchell disparages the use of the connecting structure thereof in settings (e.g., between a door and a handle thereof) other than a milling cutter. Nor does applicant explain why the

aforementioned combination would result in an inoperative device. As such, applicant's argument is not found persuasive.

20. In response to applicant's argument that Mitchell is nonanalogous art, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. In this case, Mitchell is viewed as teaching a connecting structure for connecting a removable component to a fixed one, just as applicant teaches a connecting structure for connecting a handle to a door, and is therefore viewed as being in applicant's field of endeavor. Additionally, whereas it is well known in the art that increasing the thickness of a structure increases its structural rigidity, and whereas Mitchell teaches such an increase in thickness at the connection between fixed & removable components, Mitchell is therefore viewed as being reasonably pertinent to the particular problem with which applicant was concerned.

21. In response to applicant's argument that "Mitchell focuses on solving relative movement problems", the fact that applicant has recognized another advantage which would flow naturally from following the suggestion of the prior art cannot be the basis for patentability when the differences would otherwise be obvious.

22. In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the



time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper.

23. In response to applicant's argument that "AAPA is not disclosed as having a slippage problem", the examiner points out that the existence of such a problem is obvious from Fig. 2, which shows smooth surfaces upon those portions of 3 & 5 that contact each other, and from the written description, which fails to mention the presence of any non-stick additives upon either the top of 3 or the bottom of 5. As such, during the assembly process, prior to the insertion of screws 7 & 8, there is therefore nothing to prevent slippage when 5 is placed upon 3 prior to the insertion of screws 7 & 8. Applicant's argument regarding the slippage problem is therefore not found persuasive.

24. Whereas applicant has failed to dispute the examiner's statement that "it is well known in the art that increasing the thickness of a structure increases its structural rigidity", this statement is therefore viewed as being admitted prior art.

#### ***Conclusion***

25. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MATTHEW W. ING whose telephone number is (571)272-6536. The examiner can normally be reached on Monday through Friday, 7:30 am - 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on (571) 272-6867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MWI  
20 October 2008

/José V. Chen/

Primary Examiner, Art Unit 3637